IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Crl.MC.No. 2163 of 2007()

L.P.64/2004 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PARAVOOR.

PETITIONER: 2ND ACCUSED:

KUNJUMOL, AGED 33,
D/O. THANKAMMA,POYKAVILA VEEDU,KAITHAKUKZHI CHERRY
ADICHANELLOOR VILLAGE, KOLLAM.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CHATHANOOR.

BY ADV. SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/07/2007, ALONG WITH CRL.M.C. NOS. 2167/07 & 2164/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.2163, 2164 & 2167 of 2007

Dated this the 5th day of July, 2007

O R D E R

An identical question arises in all the three cases. The same counsel appears for the petitioners in all the 3 cases. Except that, there is no other connection. The petitioners face indictment for offences punishable under the Kerala Abkari Act (Crl.M.C.Nos.2163 & 2164 of 2007) and 420 I.P.C (Crl.M.C.No.2167/07). Cognizance has been taken. Consequent to non appearance of the petitioners before the learned Magistrate, the petitioners find warrants of arrest issued by the learned Magistrate chasing them.

2. According to the learned counsel for the petitioners, the petitioners are innocent of the allegations raised. Their absence was not wilful and was due to reasons beyond their control. They are willing to appear before the learned Magistrate and seek regular bail. But they apprehend that their applications for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. In these circumstances, it is prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioners.

3. I find absolutely no necessity to issue any direction under Section 482 Cr.P.C. It is for the petitioners to appear before the

learned Magistrate and seek regular bail in the ordinary course. I have no reason to assume that the learned Magistrate would not consider such applications on merits, in accordance with law and expeditiously. Every court must do the same. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339]. It is not necessary to issue any further special or specific directions.

4. In the result, these Crl.M.Cs are, dismissed, but with the specific observation that if the petitioners appear before the learned Magistrate and apply for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioners.

(R.BASANT, JUDGE)

rtr/-